

REMARKS

Claims 1, 6, 7 and 10 are amended. Claims 1-11, as amended, remain in the application. No new matter is added by the amendments to the claims.

The Rejections:

In the Office Action dated July 21, 2009, the Examiner stated that the oath or declaration is defective because it was not executed in accordance with either 37 CFR 1.66 or 1.68 in that it does not include the applicant's signature and date.

The Examiner rejected Claims 7-9 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8, 9 and 11 of U.S. Patent No. 7,370,732.

The Examiner rejected Claims 1, 7 and 10 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements, the omitted elements being: "The variables for the expression in parenthesis need to be define in each claim".

The Response:

Regarding the defective oath or declaration, Applicant filed an executed declaration on July 23, 2009.

Regarding the rejection of Claims 7-9, Applicant submits herewith a Terminal Disclaimer to overcome this rejection.

Regarding the rejection of Claims 1, 7 and 10, Applicant amended Claims 1, 6, 7 and 10 to remove expressions in parenthesis. The Examiner stated that Claims 1-6 and 10-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph.

The Examiner stated that the prior art made of record in form 892 and not relied upon is considered pertinent to Applicant's disclosure to further show the state of the art and to illustrate related elevator availability test system. The Examiner cited: Husson et al. US 4397377; Nagata et al. US 5064026; Talbot et al. US 5398782; Schollkopf et al. US 5487448; Morita et al. US 5892190; Hikita US 6328134; Richter et al. 7370732;

Amano US 7398860; and Azpitarte US 7475122. Applicant reviewed these references and found them not relevant to the allowance of Applicant's claims.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

Respectfully submitted,



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